

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5132

AN ORDINANCE relating to the resolution of claims with the Washington State Department of Transportation (WSDOT) concerning mitigation of impacts to city drainage facilities; authorizing the City Manager to execute an agreement with WSDOT and the Washington State Department of Ecology (DOE) to accept \$64,500 from WSDOT to be used to fund, in part, the Valley Creek stream channel modification project, D-86; amending the budget for the Utility Capital Investment Program Fund by appropriating additional revenue to that Fund; authorizing expenditures of such funds; and authorizing interfund loans.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The City Manager or his designee is authorized to execute that certain Mitigation Agreement between and among the Washington State Department of Transportation (WSDOT), the Washington State Department of Ecology (DOE) and the City of Bellevue concerning claims and issues arising under Pollution Control Hearings Board case No. 98-217, a copy of which Mitigation Agreement has been given Clerk's Receiving No. 26944, and to take all other actions and to execute such other agreements as may be necessary to resolve such claims and issues.

Section 2. The appropriate administrative officials of the City are hereby authorized to receive monies and to expend the same as authorized by the terms and conditions of such Mitigation Agreement.

Section 3. All mitigation monies received pursuant to the Mitigation Agreement shall be deposited to the Valley Creek stream channel modification project, D-86, within the Utility Capital Investment Program Fund.

Section 4. The City Manager or his designated representative shall have responsibility for the administration of said mitigation monies.

Section 5. The approximate amount and source of revenue for the mitigation monies is:

Washington State Department of Transportation	\$64,500
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Section 6. Upon receipt of such grant monies the budget for the Utility Capital Investment Program Fund shall be amended by appropriating to that Fund additional revenues in the amount herein authorized.

<u>Description</u>	<u>Amount</u>
<u>Appropriated</u>	
Utility Capital Investment Program Fund	\$64,500
Valley Creek stream channel modification project, D-86	

Provided, however, if the actual revenues received from the source specified should be more or less than the amount set forth herein, the appropriations shall be adjusted to equal the amount actually received.

Section 7. The Finance Director or his designee is authorized to make interfund loans from an appropriate City fund to the Utility Capital Investment Program Fund in whatever amounts, for whatever duration or under whatever terms are appropriate and necessary to cover cash flow shortages in such fund that may be created by this mitigation agreement.

Section 8. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 1st day of March, 1999, and signed in authentication of its passage this 1st day of March, 1999.

(SEAL)

Mike Creighton, Mayor

Approved as to form:
Richard L. Andrews, City Attorney

Richard L. Kirkby, Assistant City Attorney
Attest:

Myrna L. Basich, City Clerk
Published March 5, 1999